

REMARKS

Claims 1-11 remain in this application. Claims 1, 10 and 11 have been amended to overcome the Examiner's rejection under 35 U.S.C. §112. The abstract has been revised. The indication of allowability of claims 7-9, if in independent form is noted with appreciation. However, for the reasons given below, Applicants believe all claims should be allowed.

Each of the independent claims includes a limitation, not found in the cited references, which distinguishes the claimed invention from the prior art. Specifically, the following are found in the respective claims:

a control means for permitting to execute movement caused by said first moving means while controlling a position of said second moving means. (Claim 1)

a means for inhibiting movement of said dressing tool in a direction vertical to the polishing surface of said polishing tool. (Claim 10)

while controlling movement of said dressing tool in a vertical direction with respect to said polishing surface. (Claim 11)

Each of these limitations conveys the concept of maintaining the vertical position while changing the horizontal position. This is a concept not found in Sandhu, et al. Maintaining the vertical position assures that the desired surface characteristics are established on the polishing surface. The purpose of treatment is to reestablish the polishing surface as it wears away, not just to remove debris as taught in the reference.

In contrast to maintaining a vertical position, Sandhu, et al. uses the constant pressure method, which is the antithesis of the present method. Note the statement in Sandhu, et al.:

For example, the controller 180 may be operatively coupled to the primary actuator 166a to adjust the down-force F applied to the conditioning element 170 through the primary actuator 166a and the arm 164.

The disadvantage of the constant pressure method is noted in the present specification in the abstract, for example, and at page 24, i.e., the possibility of generation of pores and cracks.

By controlling the vertical position as claimed, this disadvantage is avoided. Thus, Applicants submit that the independent claims and, thus, all of the dependent claims, define over the art and should be allowed.

In view of the above noted differences, Applicants believe that all claims remaining in this application are in condition for allowance, prompt notice of which is respectfully requested.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

Applicants respectfully request a three month Extension of Time to respond to the Office Action of October 28, 2003. The extended period expires April 28, 2003.

The Office is hereby authorized to charge the fee of \$950.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,



John C. Altmiller
Registration No. 25,951

Date: April 28, 2004

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel.: (202) 220-4200
Fax.: (202) 220-4201
491166_1.DOC